

**Response Under 37 CFR 1.116**  
**Expedited Procedure**  
**Examining Group 3726**  
Appl. No. 10/804,813  
Amdt. dated Sept. 7, 2006  
Reply to final Office Action of 06-08-2006  
Attorney Docket No. 916-043762

### **REMARKS**

Claims 1-5 are pending in the application. Claims 1, 3 and 4 stand allowed. Claim 5 stands withdrawn by virtue of a previous restriction requirement and subsequent election. Claim 5 has been canceled without prejudice hereinabove.

Claim 2 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,930,806 to Racz.

Claim 2 is in a product-by-process form and the Examiner stated that the patentability of the product does not depend upon its method of production. The Examiner further stated that if the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.

Claim 2 has been amended herein to more fully define the structure of the cookware. Claim 2 defines cookware which is clearly different than the cookware disclosed in Racz.

Claim 2 defines cookware comprising a bonded composite material having at least one layer of aluminum, aluminum alloy or Alclad aluminum bonded between layers of stainless steel which is formed into a cookware vessel of a desired configuration. The layer of aluminum, aluminum alloy or Alclad aluminum extends to at least an edge portion around an outer perimeter of the cookware vessel and is covered at the edge portion by an  $\text{Al}_2\text{O}_3$  coating which is applied by micro arc oxidation. In this manner, the edge of the aluminum, aluminum alloy or Alclad aluminum is protected from chemical corrosion/erosion attack of caustic cleaning agents.

To the contrary, Racz discloses cookware made from a composite comprising a ferrous steel core bonded with layers of aluminum on both sides to a ferrous steel core, see Abstract. In order to protect the exposed edge of ferrous steel against rusting, Racz roll forms one of the outer layers of aluminum to cover the exposed edge of ferrous steel core, see Figs. 3 and 4 of Racz. Hence, the cookware of Racz comprises a ferrous steel core covered by layers of aluminum, wherein the exposed, peripheral edge of ferrous steel is covered by one of the layers of aluminum to prevent rusting of the ferrous steel edge.

On the other hand, amended claim 2 defines cookware having a core of aluminum, aluminum alloy or Alclad aluminum sandwiched between layers of stainless steel. This may be contrasted with the ferrous steel core of Racz sandwiched between layers of

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aluminum. In addition, there is no disclosure in Racz of stainless steel. Claim 2 further specifies that the exposed edge of aluminum, aluminum alloy or Alclad aluminum is covered with a coating of  $Al_2O_3$  applied by the micro arc oxidation process of claim 1. No such structure is taught or suggested in Racz. To the contrary, Racz teaches that the protective edge covering is aluminum, the very material which Applicant is covering with  $Al_2O_3$  to protect against caustic attack.

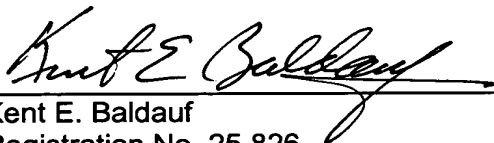
For the reasons discussed above, claim 2 patentably defines over the cookware of Racz and the Examiner's reconsideration and allowance are respectfully requested.

The Examiner's favorable action with respect to claims 1-4 is earnestly solicited.

Respectfully submitted,

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